

AG 1637

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/574,386	
	Filing Date	May 19, 2000	
	First Named Inventor	Donna G. Albertson	
	Group Art Unit	1637	
	Examiner Name	Spiegler, A.	
Total Number of Pages in This Submission	3	Attorney Docket Number	407E-914400US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paul Littlepage, Reg. No. 48,581 for Emily M. Haliday, Reg. No. 38,903 Quinn Intellectual Property Law Group, P.C.
Signature	<i>Paul Littlepage for Emily Haliday</i>
Date	August 2, 2004

CERTIFICATE OF MAILING			
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Typed or printed name	Amelia Weintraub		
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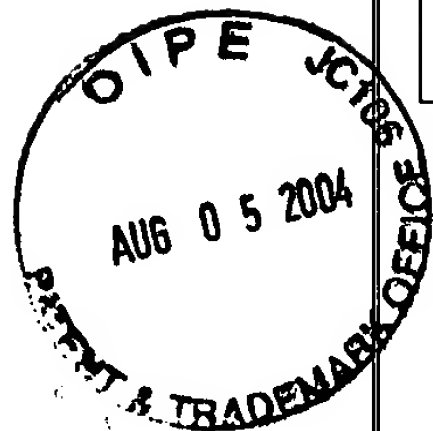
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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By:

Amelia Weintraub

Atty Docket No: 407E-914400US

Client Ref: 2000-364-1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Donna G. Albertson; Daniel Pinkel; Antoine
Snijders

Application No.: 09/574,386

Filed: 5/19/2000

For: **Methods And Compositions For
Preparation Of A Polynucleotide Array**

Examiner: Spiegler, A.

Art Unit: 163756

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Dear Sir:

Applicants thank the Examiner for the helpful telephonic interview held with the Examiner on June 30, 2004. Applicants' Attorney explained to the Examiner that the application of target solutions comprising amplification products to a substrate to produce an array of polypeptides (claim 1(d)) refers to the use of target solutions to produce target elements of an array and not to the use of target solutions to probe an array. Although Applicants believe that the claims, as previously written, would be clear to one skilled in the art, several possible amendments to claim 1 were discussed in the interest of expediting prosecution.

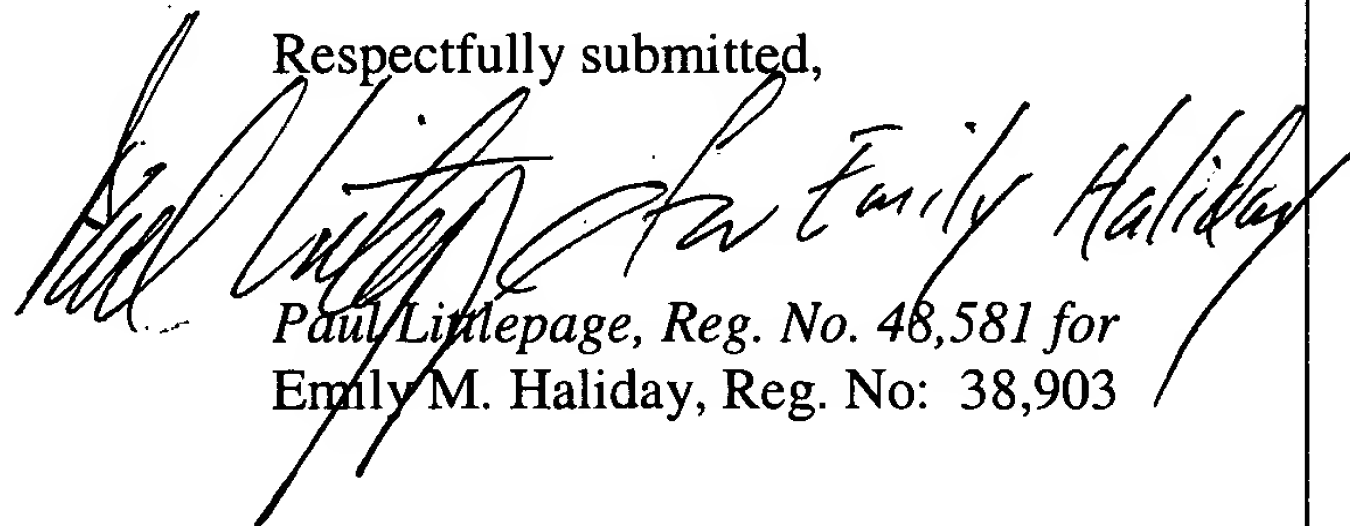
Applicants' Attorney emphasized that the art of record neither teaches nor suggests the use of the amplification method recited in claim 1 to produce target solutions that are immobilized on a substrate to produce an array of polynucleotides. In particular, Applicants' Attorney pointed out that the Declaration Under 37 C.F.R. § 1.132 of Dr. Donna G. Albertson (dated October 14, 2003) demonstrates that satisfactory polynucleotide arrays could be constructed using the claimed amplification method, but not another amplification method. Moreover, Dr. Albertson testified that she believed, prior to comparing these two methods, that the second method (*i.e.*, not the claimed method) would be most likely to work. Applicants' Attorney pointed out that this

Declaration establishes the unpredictability in this field and unexpected results sufficient to rebut any *prima facie* case of obviousness. The Examiner agreed to revisit the Declaration in light of the amendment to claim 1.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone Dr. Haliday at (510) 769-3509.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Littlepage for Emily Haliday". The signature is written in a cursive, flowing style.

Paul Littlepage, Reg. No. 48,581 for
Emily M. Haliday, Reg. No: 38,903